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DEC 1 1 2001

OFFICE OF PETITIONS

In re Application of	:	
Paul England et al	:	DECISION GRANTING
Application No. 09/892,298	:	PETITION
Filed: June 27, 2001	:	
Attorney Docket No. MSFT-0279/	:	
48585.1	:	

This is a decision on the petition under 37 CFR 1.10(c) filed August 20, 2001, requesting that the above-identified application be accorded a filing date of June 27, 2001, rather than the presently accorded filing date of June 28, 2001.

Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on June 27, 2001. In support, applicants provided a copy of the Express Mail label, receipt no. EL650276177US, showing a Date-In of June 27, 2001. The same Express Mail receipt number was referred to in the copy of the original Application Transmittal Letter submitted with the instant petition. Applicants request that the application be accorded a filing date of June 27, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on June 27, 2001.

The petition is granted. The \$130.00 petition fee is being credited to counsel's deposit account.

A copy of the corrected Filing Receipt is enclosed.

The application is being returned to Technology Center AU 2131 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley

Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt